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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,076	07/30/2001	Sterling D. Du	360D0002	3228

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/919,076	Applicant(s) DU ET AL.	
	Examiner Minh Dieu Nguyen	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-16, 23-27, 34-39 and 46 is/are rejected.
- 7) ☒ Claim(s) 5-10, 17-22, 28-33 and 40-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/11/02; 9/17/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the communication dated July 30, 2001.

Claims 1-46 are pending.

#### ***Drawings***

2. The drawings are objected to because

Fig. 1, element 108: information is incomplete.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 11-15, 23-26, 34-38 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (5,983,273) in view of Menezes et al. (Handbook of Applied Cryptography) and further in view of Clark et al. (Bits: a smartcard protected operating system).

a) As to claims 1, 12-13, 24 and 35-36, White discloses a method and apparatus for providing physical security for a user account and providing access to the user's environment and preferences comprising the steps of: providing a secure server (Fig. 1, element 5); creating a password (col. 7, lines 15-18); wherein the password is used to access the server if the first smart card is lost and the challenge question is used to confirm the user's identity when challenged while accessing the server without a smart card (col. 1, line 67 to col. 2, line 3); retrieving the ID number of the first smart card and other user and system specific information (col. 1, lines 60-64; col. 5, lines 51-55); storing the first smart card ID and the other user and system specific information on the server (col. 2, lines 7-10); providing access key creation means on the server for creating a first access key (Fig. 5, element 560); storing the first access key on the server (col. 9, lines 65-67).

White does not disclose the step of creating challenge question.

Menezes discloses challenge-response protocols for identification (page 397).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of challenge-response protocol in the system of White as Menezes discloses so as to perform a strong authentication.

White discloses client's request is serviced (if authorized) either with the first smart card or the first access key. However, White and Menezes do not disclose providing configuration means for configuring the client to boot only if the first smart card is readable by the client or the first access key is entered.

Clark discloses the boot integrity token system with configuration information for client to boot only if the first smart card is readable by the client (page 68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of first smart card for client to boot in the system of White and Menezes, as Clark teaches so as to provide computer boot integrity and enforce access control.

b) As to claims 2, 14, 25 and 37, the examiner takes official notice that the use of emergency diskette is used to boot the system is well known in the computer art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the emergency boot diskette in the system of White, Menezes and Clark so as to quickly bring the system in the up and running state.

c) As to claims 3, 15, 26 and 38, White discloses the user accesses the server through another computer (col. 6, lines 14-18); wherein the server requires the user to log-in (col. 7, lines 15-20) and wherein the server displays the access key to the user if the log-in is correct (col. 7, lines 23-30).

d) As to claims 11, 23, 34 and 46, White discloses the step of providing automatic log-in means resident on the client for logging onto networks and/or Web sites, without user's intervention, using the user's information stored on the first smart card (col. 5, line 29 to col. 6, line 64).

5. Claims 4, 16, 27 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (5,983,273) in view of Menezes et al. (Handbook of

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Applied Cryptography), in view of Clark et al. (Bits: a smartcard protected operating system) and further in view of Angelo et al. (6,581,162).

White discloses client's request is serviced (if authorized) either with the first smart card or the first access key. However, White, Menezes and Clark do not disclose the user enters the first access key into the client and wherein the client boots in response to the first access key.

Angelo discloses a secure environment for creating, storing and using encryption keys in a distributed computing comprising the user enters the first access key and wherein the client boots in response to the first access key (col. 10, lines 20-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of access key for booting in the system of White, Menezes and Clark as Angelo teaches so as to protect the booting process.

### ***Allowable Subject Matter***

6. Claims 5-10, 17-22, 28-33 and 40-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen  
Examiner  
Art Unit 2137

mdn  
2/23/05

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a stylized flourish at the end.

**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**